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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

SEP 23 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Advanced Television Systems)
And Their Impact Upon the)
Existing Television Broadcast)
Service) MM Docket No. 87-268

TO: The Commission

OPPOSITION TO SUPPLEMENT TO PETITION FOR RECONSIDERATION

South Florida Public Telecommunications, Inc. (SFPT), through its attorneys, hereby files its opposition to the Supplement to Petition for Reconsideration (Supplement) of the Commission's Sixth Report and Order in the above-referenced proceeding filed on August 22, 1997 by Skinner Broadcasting, Inc. (Skinner). In support thereof, the following is shown:

1. SFPT is the licensee of public television Station WXEL-TV, West Palm Beach, Florida. The Commission has assigned the station DTV Channel 27. SFPT is satisfied with this channel. Apparently, this DTV assignment and the assignment of DTV Channel 27 to Station WFLX-TV, West Palm Beach, Florida, will preclude operation of Skinner's LPTV Station W27AQ, Fort Lauderdale, Florida as that operation is currently configured.

2. In its Petition for Reconsideration (Petition), Skinner asserted that the Commission should protect LPTV stations such as W27AO from DTV predicted interference and should require

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reimbursements for LPTV displacements caused by DTV operations. SFPT opposed that petition in an Opposition to Petition for Reconsideration (Opposition) filed on July 18, 1997, based essentially on the principle of full-service station primacy over secondary translator and LPTV operations which has been established and consistently affirmed by the Commission. SFPT hereby incorporates by reference its Opposition.

3. Skinner now proposes (Supplement, p. 2) to substitute Channel 58 for Channel 42 in the case of Station WXEL-TV, in order to "spare" Station W27AQ.¹ Preliminarily, Skinner's proposal should be dismissed on procedural grounds because it was filed far too late in this proceeding. The deadline for filing Skinner's DTV channel substitution proposal was June 13, 1997. Skinner did not file any such proposal at that time, and so its "supplement" must be viewed as a late-filed new proposal.

4. In any event, SFPT strenuously opposes Skinner's blatant attempt to elevate its own status as an LPTV licensee over that of SFPT as a full service licensee. Skinner simply is not

¹Skinner also proposes substitution of DTV Channel 41 for Channel 28 currently assigned to Station WFLX(TV), West Palm Beach. It may also be noted that Skinner's proposed DTV substitutions appear to displace four LPTV operations while the Commission's current DTV channels for Stations WXEL-TV and WFLX(TV) would displace two LPTV facilities. See Partial Opposition to Supplement to Petition for Reconsideration of Skinner Broadcasting, Inc., filed by Sherjan Broadcasting Co., Inc., at para. 7. Such a result is inconsistent with the goal of minimizing loss of secondary service as a by-product of full service DTV assignments.

entitled to such status. More important, it must be stressed that out-of-core Channel 56 is a wholly unsatisfactory channel for SFPT. Assignment of an out-of-core channel would force SFPT to build multiple DTV stations within the space of a few years. Such an enterprise is daunting enough for any broadcast station, let alone a public broadcaster such as SFPT, which is subject to significant funding limitations and will have to raise and expend relatively large amounts of capital to implement a single DTV channel. To permit such a result is contrary to the Commission's licensing scheme and the fundamental primary-secondary relationship between full service and translator facilities. Any change in SFPT's DTV allotment in the manner proposed by Skinner would be unfair, unjustified and contrary to the Communications Act, its attendant rules and policies and the public interest.

WHEREFORE, for the foregoing reasons, SFPT respectfully urges the Commission to reject Skinner's Supplement and deny Skinner's Petition.

Respectfully submitted,

SCHWARTZ, WOODS & MILLER

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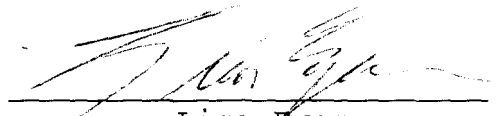
CERTIFICATE OF SERVICE

I, Lisa Eyeson, Secretary in the law office of Schwartz, Woods & Miller, do hereby certify that I have on this 23rd day of September 1997 sent copies by First Class Mail of the foregoing **OPPOSITION TO SUPPLEMENT TO PETITION FOR RECONSIDERATION** to the following:

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